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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael Vogel

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Rutan & Tucker, LLP.

611 ANTON BLVD

SUITE 1400

COSTA MESA, CA 92626

EXAMINER

HORNBERGER, JENNIFER LEA

ART UNIT

PAPER NUMBER

3734

MAIL DATE

DELIVERY MODE

06/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- I. The safety clip as shown in figures 1 and 5.
- II. The safety clip as shown in figure 2.
- III. The safety clip as shown in figure 3.
- IV. The safety clip as shown in figure 4.
- V. The safety clip as shown in figure 6.
- VI. The safety clip as shown in figure 12.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Species I. Claims 1-3, 5, 7, 8, 10-12, 14, 15, 20, 22-24, and 26-28.

Species II. Claims 1, 3-5, 8, 10-12, 14, 16, 17, 21-24, 26, 27, 29, and 30.

Art Unit: 3734

Species III. Claims 1, 3-5, 8, 10, 11, 13, 14, 16, 17, 21-24, 26, 27, 39, and 30.

Species IV. Claims 1, 2, 5, 7, 10, 11, 13, 15, 17-19, 22-24, and 26-28.

Species V. Claims 1, 2, 5, 8, 10-12, 14, 22, and 25-27.

Species VI. Claims 1, 2, 5, 10-12, 26, and 27.

The following claim(s) are generic: 1, 5, 10, 11, 26, and 27.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The common technical feature is a safety clip for a medical catheter that comprises a shaft and a sleeve, the safety clip comprising an elongate body, an attachment member, a first spacing member, and a stop.

US Patent No. 6,146,415 discloses a safety clip for a medical catheter that comprises a shaft (34) and a sleeve (16), the safety clip comprising an elongate body (20), an attachment member (40), a first spacing member (30) and a stop (col. 6, ln. 18-67).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER L. HORNBERGER whose telephone number is (571)270-3642. The examiner can normally be reached on Monday through Friday from 8am-5pm, Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571)272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlh
06/19/2009

/Todd E Manahan/
Supervisory Patent Examiner, Art Unit 3734